

REMARKS

I. Status of the Application

By the present Amendment, Applicant amends claims 1, 5 and 7. Claims 1-19 are all the claims pending in the Application, with claims 1 and 5 being in independent form. Claims 1-19 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Formalities

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed on December 5, 2003.

III. Claim Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 1, 2, 5 and 6 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,995,858 to Murakami (hereinafter “Murakami”). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

Without conceding the merits of the Examiner’s rejections, claim 1 has been amended, as set forth above. Adequate support for these amendments is provided by *at least* paragraphs 0036-0037, paragraph 0051, paragraph 0062 and FIGS. 2-6 of the original specification. No new matter has been added.

According to the MPEP, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131). Applicant respectfully submits that claims 1, 2, 5 and 6 positively recite limitations which are not disclosed (or suggested) by Murakami.

For example, claim 1 recites (among other things):

...wherein, if previously obtained information regarding the plurality of consumable items is not in a status where replacement is recommended and currently obtained information regarding the plurality of consumable items is in a status where replacement is recommended, then the determining device determines a notice of an advanced consumed level of the plurality of consumable items...

Claim 1 further recites:

...wherein the determining device determines to notify the user of an advanced consumed level of the plurality of consumable items if:

previously obtained information regarding the plurality of consumable items and currently obtained information regarding the plurality of consumable items indicates no difference in status of the plurality of consumable items; and

currently obtained information regarding the plurality of consumable items indicates that at least a subset of the plurality of consumable items are in a status where replacement is recommended; and

each of the subset of the plurality of consumable items has a setting in which a notice that the consumed level of the respective consumable item is in advanced stage is limited to once within the predetermined period of time; and

a latest date stored in the registration date storing device regarding each of the plurality of consumable items is not within the predetermined period of time...

Accordingly, the invention recited in claim 1 (among other things) provides secure notification of an advanced consumed level of consumable items to a user. However, Murakami nowhere discloses or suggests the above features.

Claim 1 also recites:

...wherein the determining device determines not to notify the user of an advanced consumed level of the plurality of consumable items if:

previously obtained information regarding the plurality of consumable items and currently obtained information regarding the plurality of consumable items indicates no difference in status of the plurality of consumable items; and

currently obtained information regarding the plurality of consumable items indicates that at least a subset of the plurality of consumable items are in a status where replacement is recommended; and

each of the subset of the plurality of consumable items has a setting in which a notice that the consumed level of the respective consumable item is in advanced stage is limited to once within the predetermined period of time; and

a latest date stored in the registration date storing device regarding each of the plurality of consumable items is within the predetermined period of time...

Thus, the invention recited in claim 1 (among other things) prevents a user from receiving unnecessarily repetitive notifications of the advanced consumed level so as to thereby reduce the resulting annoyance of the user. Contrary to the requirements of claim 1, Murakami fails to disclose or suggest these features.

Additionally, claim 1 recites:

...wherein the notifying device notifies the user, at one time, of all consumable items in a status where replacement is recommended, regardless of whether the respective consumable items in a status where replacement is recommended have a setting in which a notice that the consumed level of the respective consumable item is in advanced stage is limited to once within the predetermined period of time.

As such, the present invention (among other things) notifies the user of all consumable items that are in a status where replacement is recommended at one time. That is, rather than providing numerous notifications recommending the replacement of a plurality of consumable items one by one, according to the invention recited in claim 1, the user is notified of the recommended replacement of the plurality of consumable items at one time. Accordingly, the replacement of a plurality of consumable items can be carried out collectively rather than one by one. However, Murakami fails to disclose, or even remotely suggest, that the notification regarding the replacement of a plurality of consumable items is displayed at one time, as recited in claim 1. Further, Murakami fails to disclose a specific timing for displaying a status of a remaining amount of toner.

Therefore, Applicant respectfully submits that claim 1 is not anticipated by Murakami for *at least* the above reasons. Further, the dependent claim 2 is patentable *at least* by virtue of its dependency. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

In view of the similarity between the requirements of claim 5 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 5. As such, it is respectfully submitted that claim 5 is

patentably distinguishable over the cited reference *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claim 6 is allowable *at least* by virtue of its dependency. Thus, the allowance of these claims is respectfully solicited of the Examiner.

IV. Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 3-4, 7-10 and 14-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Murakami in view of U.S. Patent Publication No. 2002/0186406 to Phillips (hereinafter “Phillips”). The Examiner has also rejected claims 11-13 and 17-19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Murakami, in view of Phillips, and further in view of U.S. Patent Publication No. 2005/0151641 to Ulrich (hereinafter “Ulrich”). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

The dependent claims 3-4 and 7-19 incorporate all the novel and nonobvious recitations of their base claims 1 and 5, respectively. For *at least* the reasons already discussed above, Murakami fails to teach or suggest all the recitations of claims 1 and 5. Moreover, Phillips and Ulrich fail to remedy the deficient teachings of Murakami. For example, neither Murakami, Phillips, Ulrich, nor any combination thereof, teaches or suggests the features of wherein the notifying device notifies the user, at one time, of all consumable items in a status where replacement is recommended, as claimed. Therefore, the dependent claims 3-4 and 7-19 are patentable over the cited references, and any combination thereof, for *at least* these reasons and Applicant respectfully requests that the Examiner withdraw these rejections.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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